REMARKS

The foregoing amendment amends Claims 1, 9, 10, 12 and 20 to clarify the claimed invention. Claims 1, 3-13 and 15-25 are pending in this application. Support for the amendments to the claims is found throughout the specification. *See e.g.,* pgs. 12 and 14–15. For the reasons set forth below, Applicants believe that the rejections should be withdrawn.

Allen Does Not Describe or Suggest the Creation of New Content

The Examiner rejected Claims 1-19 under 35 U.S.C. § 102(b) alleging that the claims are anticipated by U.S. Patent No. 5,892,535 to Allen ("Allen") and rejected Claim 20 under 35 U.S.C. § 103(a) alleging that the claims are unpatentable over Allen in view of U.S. Publication 2004/0205339 to Medin ("Medin").

The sections of Allen cited by the Examiner as describing the creation of new content describe switching between a national network feed and a local advertisement or overlaying local information on a national network feed (*e.g.*, overlaying movie times at a local theater on a movie trailer). The system passes through either the national feed or a local feed. Even when creating a composite advertisement, the national feed serves as the base image and local information is simply overlaid on the national feed.

Claim 1 as amended recites a graphics processing circuitry which produces new content by *selecting a first video frame received form said first decoder, transforming the first video frame and combining the transformed first video frame with source content received from the second decoder to create a newly rendered video frame as the new content.* (*emphasis* added). The created content is new.

The newly rendered video frame is comprised of the transformed first video frame combined with source content received from the second decoder. It is not simply a pass through of received or stored content. Instead, a first video frame received from the first decoder is transformed and combined with source content received from the second decoder to form the new content. Allen does not describe the new content recited by Claim 1 because Allen does not describe or suggest the transformation and combination of content from different sources to create a newly rendered video frame as new content.

**Allen Does Not Describe a Control Program that Directs the Production of New
Content**

Amended Claim 1 clarifies that the graphics processing circuitry produces new
content *under control of the control functionality*, and the control functionality for
controlling production of new content is *directed by a control program received from the
host*. (*emphasis* added).

The Examiner rejected Claim 1 by alleging that Allen describes control functionality
and control signals. The cited sections of Allen describe switching between national and
local advertisements based on cue tones (Column 16, lines 45-Column 17, line 50), the
conversion and synchronization of video (Column 24, line 3- Column 25, line 1), and the
switching and synchronization of video using cue tones (Column 26, line 23 – Column 28,
line 1). Allen describes that "the cue tone signal delivered as part of the national network
feed signal" is used to control the insertion of a local advertisement or the compositing of
local information on a national advertisement. Column 17, lines 45-46. Figure 3 and the
accompanying text illustrate how a cue tone signal is used to switch between a national
network feed and a local feed to insert an advertisement. Figure 4 and accompanying text
illustrate how a cue tone signal is used to overlay locally stored video, graphical and/or
textual data on the national feed to create a composite advertisement.

Allen does not describe a graphics processing circuitry producing new content <u>under
control of the control functionality, wherein the control functionality is directed by a control
program received from the host</u> because Allen only describes cue tone signals which are
received as part of the national feed signal. A cue tone signal is not a control program, as
recited by Claim 1. A cue tone is a dual-tone multiple frequency ("DTMF") tone sequence,
wherein the cue tone consists of a sequence of numbers indicating the start and end period
for an insertion opportunity. *See* "Local Commercial Insertion In Digital Headend" by Kar *et
al.* ("Kar"), pg. 3, a copy of which is attached to the concurrently filed Information
Disclosure Statement. According to an example described in Kar, the Discovery Channel
uses a DTMF local avail cue tone with 826* indicating the start, and 826# indicating the end
of the spot. Kar, pg. 3. A cue tone as disclosed by Allen is only a signal that provides an

indication of the start and stop spots for an insertion period, a cue tone cannot provide instructions to select a video frame and transform the selected video frame, like the control functionality of Claim 1, wherein the control functionality is directed by a control program. Claim 1 is patentable over Allen.

Amended independent Claims 12 and 20 recite similar control program and new content elements as Claim 1. Claims 12 and 20 recite a control program received from the host for creating the new content where the new content is formed by selecting a first video frame from the decoded first digital content signal, transforming the first video frame, and combining the transformed first video frame with source content from the decoded second content signal to create a newly rendered video frame as the new content. Accordingly, for at least the same reasons discussed above, Allen does not describe or suggest the new content and control program recited by Claims 12 and 20. Furthermore, Medin does not disclose the new content and control program recited by Claim 20.

Claims 4-11, 23 and 24 depend from Claim 1, Claims 13, 15-19, and 25 depend from Claim 12, and Claims 21-22 depend from Claim 20. The dependent claims are patentable for at least the same reasons as the independent claims.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,
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